

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Stephen Hoare	DEFENDANTS Chata Biosystems, LLC
(b) County of Residence of First Listed Plaintiff <u>Bucks</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	County of Residence of First Listed Defendant <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
(c) Attorneys (Firm Name, Address, and Telephone Number) John S. Harrison, Esquire; Broughal & DeVito, L.L.P. 38 W. Market Street, Bethlehem, PA 18018 (610) 865-3664	Attorneys (If Known) Asima J. Ahmad, Esquire; Jackson Lewis Three Parkway, 1601 Cherry St., Suite 1350 Philadelphia, PA 19102-1317

II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i> <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i> <input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>	III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i> <i>(For Diversity Cases Only)</i> <table style="width: 100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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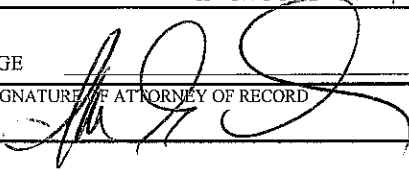
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V. ORIGIN <i>(Place an "X" in One Box Only)</i>					
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District <i>(specify)</i>	<input type="checkbox"/> 6 Multidistrict Litigation

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing <i>(Do not cite jurisdictional statutes unless diversity)</i> : <u>29 U.S.C. § 621 et seq</u> Brief description of cause: <u>Violation of the Age Discrimination and Employment Act</u>
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ <u>In excess of \$150,000</u> CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	<i>(See instructions):</i> JUDGE _____ DOCKET NUMBER _____
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DATE 04/20/2016	SIGNATURE OF ATTORNEY OF RECORD 	John S. Harrison
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RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 129 Frog Hollow Road, Churchville, PA 18966

Address of Defendant: 5858 Wright Drive, Loveland, CO 80538

Place of Accident, Incident or Transaction: 129 Frog Hollow Road, Churchville, PA 18966

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒ Plaintiff is an individual.

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

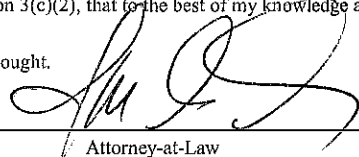
I, John S. Harrison, Esquire

counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☒ Relief other than monetary damages is sought.

DATE: 4/21/2016


Attorney-at-Law

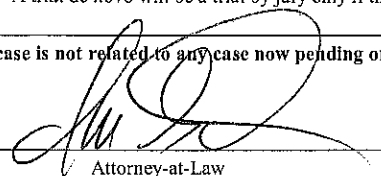
53864

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/21/2016


Attorney-at-Law

53864

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

STEPHEN HOARE,

CIVIL ACTION

v.

CHATA BIOSYSTEMS, LLC

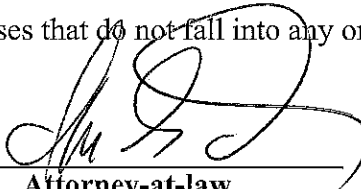
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (**X**)

4/21/2016
Date


Attorney-at-law

Plaintiff
Attorney for

(610) 865-3664

(610) 865-0969

johnharrison@broughal-devito.com

Telephone

FAX Number

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEPHEN HOARE,

Plaintiff

v.

CHATA BIOSYSTEMS, LLC,

Defendant.

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CIVIL ACTION NO.:

JURY TRIAL DEMANDED

COMPLAINT AND JURY TRIAL DEMAND

Plaintiff, Stephen Hoare, by his attorneys, Broughal & DeVito, L.L.P., brings this Complaint against Defendant Chata Biosystems, LLC.

NATURE OF ACTION

1. This is an age discrimination claim alleging a violation of the Age Discrimination and Employment Act (“ADEA”) and Pennsylvania Human Relations Act (“PHRA”).

JURISDICTION AND VENUE

2. This Honorable Court has original jurisdiction over the case under 28 U.S.C. § 1331 as it raises federal ADEA claims under the laws of the United States.

3. This Honorable Court has supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367.

4. This Honorable Court is the proper venue for this action under 28 U.S.C. §§ 1391(b)(1) and (b)(2) because it is a judicial district in which a substantial part of the events giving rise to this cause of action arose.

PARTIES

5. Plaintiff Stephen Hoare (“Hoare”) is an adult individual who lives at 129 Frog Hollow Road, Churchville, Bucks County, Pennsylvania 18966.

6. Defendant Chata Biosystems, LLC (“Defendant Chata”) is a Colorado limited liability company with an address of 5858 Wright Drive, Loveland, Colorado 80538.

FACTS

7. Plaintiff Stephen Hoare was born on June 27, 1958, and is over 40 years old.

8. Plaintiff Stephen Hoare was hired by Defendant Chata in September 2009 in a sales position.

9. Plaintiff Stephen Hoare worked for Defendant Chata from a home office at his residence.

10. During the time he worked as a sales employee for Defendant Chata, Plaintiff Stephen Hoare performed his job excellently.

11. While Plaintiff Stephen Hoare was employed, Defendant Chata’s owners and managers made age-based statements including “the ideal gal [for an open sales position] should be a young Asian gal that can sell to these labs;” and in reference to another employee, he “was ready for retirement.”

12. On November 6, 2014, Defendant Chata fired Plaintiff Stephen Hoare.

13. Defendant Chata transferred Plaintiff Stephen Hoare’s job duties to someone named Ashley Wilhelm, who is approximately 30 years old and significantly younger than Plaintiff Stephen Hoare.

14. Other similarly placed sales employees who were significantly younger employees were treated better than Plaintiff Stephen Hoare and retained when Defendant Chata fired Plaintiff Stephen Hoare.

15. Defendant Chata's alleged reasons for termination were false given that significantly younger employees were given his job duties.

COUNT I
ADEA

16. Plaintiff Stephen Hoare incorporates by reference paragraphs 1 through 15 of this Complaint as if set those paragraphs are fully set forth here.

17. Plaintiff Stephen Hoare is in a protected class.

18. Plaintiff Stephen Hoare was qualified to perform his job and had in fact been performing his job better than satisfactorily when he was fired.

19. Plaintiff Stephen Hoare was subjected to an adverse employment action when he was fired.

20. Plaintiff Stephen Hoare was replaced by someone significantly younger.

21. At the time of his termination, other similarly situated, significantly younger employees were treated more favorably than Plaintiff Stephen Hoare.

22. Defendant Chata's termination of Plaintiff Stephen Hoare was a willful and intentional violation of the ADEA as can be seen in the pretextual reasons offered for his termination.

WHEREFORE, Plaintiff Stephen Hoare requests that this Honorable Court enter judgment in his favor and award him damages as follows:

- Back pay;
- Front pay;
- Liquidated damages;
- Compensatory damages from the embarrassment and humiliation caused by Defendant Chata's conduct;
- Attorney fees; and
- Any other relief that the Court deems proper.

COUNT II
PHRA

23. Plaintiff Stephen Hoare incorporates by reference paragraphs 1 through 22 of this Complaint as if those paragraphs are fully set forth here.

24. The facts outlined above constitute a violation of the PHRA.

WHEREFORE, Plaintiff Stephen Hoare requests judgment in his favor and remedies as follows:

- Reinstatement;
- Back pay;
- Front pay;
- Compensatory damages;
- Attorney fees; and

- Any other relief that the Court deems proper.

PLAINTIFF'S DEMAND FOR A JURY TRIAL

Plaintiff Stephen Hoare, through his attorneys, Broughal & DeVito, L.L.P., demands a trial by jury.

BROUGHAL & DeVITO, L.L.P.

Date: 4/21/2016

By: 

John S. Harrison, Esquire

Attorney I.D. #53864

38 W. Market Street

Bethlehem, PA 18018

Telephone No.: (610) 865-3664

Facsimile No.: (610) 865-0969

Attorneys for Plaintiff